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DECEMBER 11, 2020 BY RONNIE

Reminder, Bill S-240 Didn't Pass, Would Criminalize Leaving Canada For Trafficked Organs

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S-240

An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs)

Sponsor

Sen. Salma Ataullahjan

Last Stage Completed

Third Reading in the House of Commons (2019-04-30)

Progress:

Text of the Bill

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Senate Bill S-240 would make it a crime to go abroad for the purposes of receiving trafficked organs. The rationale being, if it's illegal here, leaving to do it should be treated the same way. In part, Bill S-240 has been in response to revelations that China has been involved in forced organ harvesting.

This is the 4th version of the idea to come forward. Yet again, it did not pass before the session ended.

1. From 2018 Senate Hearings

The screenshot shows the official website of the Senate of Canada. At the top, there is a dark header with 'PARLIAMENT OF CANADA' on the left and 'VISIT PARLIAMENT' and 'FRANÇAIS' on the right. Below this is the 'SENATE OF CANADA' logo and a row of social media icons. A navigation bar contains links for 'ABOUT THE SENATE', 'SENATORS', 'IN THE CHAMBER', 'COMMITTEES', 'CALENDAR', and 'NEWSROOM', followed by a 'SenCA PLUS+' button. The main content area features a large banner for the 'STANDING COMMITTEE Human Rights' with a background image of hands. Below the banner, a session selector shows 'Past Session: 42nd Parliament, 1st Session (December 3, 2015 - September 11, 2019)' and a 'Select a different session' dropdown. A 'Download as PDF' button is also visible. The title 'Proceedings of the Standing Senate Committee on Human Rights' is displayed in red, followed by 'First Session, Forty-second Parliament, 2015-16-17-18' and the chair's name, 'Chair: The Honourable WANDA ELAINE THOMAS BERNARD'.

Bills don't always have to originate in the House of Commons. Many come from the Senate as well, and Bill S-240 is just one of them. It would have amended the Criminal Code to make it a crime to go abroad to obtain an organ where there has been no informed consent. It's already a crime to leave the country to participate in terrorism or child sex offences, so it's not much of a stretch.

The Senate adopted it on June 14, 2018. However, it would be another year before the House of Commons would hold hearings on it.

2. Audio From Parliamentary Hearings



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42nd Parliament, 1st Session (December 3, 2015 - September 11, 2019)

BILL S-240

An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs)

Adopted by the House on April 30, 2019

Report and Government Response

Report 23: Bill S-240, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs)

- Adopted by the Committee: February 28, 2019
- Presented to the House: March 1, 2019

No Government Response requested

**Garnett Genuis** Sherwood Park—Fort Saskatchewan, AB

*moved that Bill **S-240**, an act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs), be read the first time.*

Mr. Speaker, for 10 years members of Parliament have been trying to pass legislation to address the scourge of international organ trafficking. My colleague, the member for **Etobicoke Centre**, as well as the former Liberal MP and justice minister Irwin Cotler, both presented bills on this issue in the previous Parliament. None have passed until this point though.

I would like to commend to the House the excellent work of the Senate, and Senator Ataullahjan in particular, for getting Bill **S-240** through the Senate. Great work was done and constructive amendments were proposed and passed at committee to ensure that we have an effective system for prohibiting the terrible practice of harvesting organs.

This is further than this bill has ever made it before, but it is critical that we pass this legislation in this Parliament, so we do not have to start it all over again. It has been 10 years with the involvement of multiple members and multiple parties. I hope we will finally be able to get this done in this Parliament.

(Motion agreed to and bill read the first time)

February 26, 2019 — House Committee

00:00

00:00

February 27, 2019 — House Committee

00:00

00:00

From the House of Commons hearings.

3. Most Recent Text Of Bill S-240

BILL S-240

An Act to amend the Criminal Code and the Immigration and Refugee Protection Act
(trafficking in human organs)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of
Canada, enacts as follows:

.

R.S., c. C-46

Criminal Code

1 (1) Section 7 of the Criminal Code is amended by adding the following after subsection
(4.11):

Offence outside Canada

.

(4.2) Despite anything in this Act or any other Act, a **person who commits an act or
omission outside Canada that, if committed in Canada, would be an offence under
section 240.1 is deemed to commit that act or omission in Canada if the person is a
Canadian citizen or a permanent** resident within the meaning of subsection 2(1) of the
Immigration and Refugee Protection Act.

.

(2) Subsection 7(4.3) of the Act is replaced by the following:

Consent of Attorney General

.

(4.3) Proceedings with respect to an act or omission deemed to have been committed in
Canada under subsection (4.1) or (4.2) may only be instituted with the consent of the

Attorney General.

.

2 The Act is amended by adding the following after section 240:

Trafficking in Human Organs

Removal without informed consent

.

240.1 (1) Everyone commits an offence who

(a) obtains an organ to be transplanted into their body or into the body of another person, ***knowing that the person from whom it was removed did not give informed consent to the removal, or being reckless as to whether or not*** that person gave informed consent;

.

(b) ***carries out, participates in or facilitates the removal of an organ from the body of another person, knowing that the person from whom it was removed*** did not give informed consent to the removal, or being reckless as to whether or not that person gave informed consent; or

.

(c) ***acts on behalf of, at the direction of or in association with a person who removes an organ from the body of another person***, knowing that the person from whom it was removed did not give informed consent to the removal, or being reckless as to whether or not that person gave informed consent.

The Bill underwent some changes along the way, but that is the latest version. Not only would a person receiving a trafficked organ be exposed to prosecution for leaving Canada, but others involved in facilitating it would be as liable as well.

4. S-204 A Response To China's Trafficking



The clock is ticking on Canada's chance to enact important measures against organ trafficking.

For the past two decades, the ***Chinese regime has been killing prisoners of conscience for their organs. The purchase and sale of human lives has become an industry***, and Canada, among other developed countries, has been supporting it.

Bill S-240 seeks to put a stop to Canadian complicity by criminalizing organ tourism.

The bill has received unanimous consent from both the Senate and the House of Commons, and is awaiting final Senate approval before the end of the parliamentary session before it can be passed.

This is a critical moment of decision for Canada.

As a ***member of the Canadian Committee of the International Coalition To End Transplant Abuse In China, I have been among those advocating for Bill S-240, an act that brings important changes to the Criminal Code and the Immigration and Refugee Protection Act*** in order to combat organ tourism.

Several [articles](#) available call this what is: fighting back largely against the forced organ harvesting that China is involved with.

This should be a pretty straightforward issue to get on board with. But like the other times this was introduced, it never quite made it through [Parliament](#). Plenty of lesser and symbolic pieces of legislation have, but not this.

[Senate Introduces Bill S-240, Criminal Code, Organ Trafficking](#)

[Bill S-240 Transcript Of Hearings](#)

[Senate Bill S-240: Going Abroad To Obtain Illegal Organs](#)

[Open Parliament On MP Speeches, Quotes](#)

[House Committee Hearings On Bill S-240](#)

[The Conversation: Canada Complicit In Chinese Organ Trafficking](#)

[EndTransplantAbuse.Org](#)

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